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09/864,017	05/23/2001	Veijo Vantinen	P3590US00	9980
30671 7590 10/29/2010 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER TRUONG, THANHNGA B				
ART UNIT 2438		PAPER NUMBER		
NOTIFICATION DATE 10/29/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary**Application No.**

09/864,017

Applicant(s)

VANTTINEN ET AL.

Examiner

THANHNGA B. TRUONG

Art Unit

2438

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-26, 35 and 36 is/are allowed.
- 6) ☒ Claim(s) 27, 28, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 29-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/C2)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the communication filed on August 13, 2010. Claims 1-36 are pending. Claims 29-30 are objected, claims 33-34 are cancelled, and claims 35-36 are newly added by the applicant. At this time, claims 27-28 and 31-32 are still rejected.

In preparing for this office action, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Response to Arguments

2. Applicant's arguments with respect to claims 27-32 have been considered but they are not persuasive.

Applicant has argued that:

Linden et al. do not disclose that the information about security association points to the network element from the sender of the location information request. Rather, Linden et al. are silent as to which element the security association points to.

It appears to the examiner that applicant overlooks the previous rejection that examiner mailed out on May 13, 2010. On page 3 of this action, examiner clearly stated that Linden discloses at step (4) of claim 27:

(4) exchanging information about a security association with a network element connected to a cellular network, the security association pointing to the network element from the sender of the location information request (**see Figure 1 and column**

10, lines 6-8, wherein the information is exchanging between the client 1 and server 3; and column 6, lines 57-66, wherein the information about a security association is stored in the smart card (e.g., SIM card) that uses in mobile phone, such as MS1 and MS2 of Linden). Although Linden discloses exchanging information between the client 1 and serve 3 (see column 10, lines 6-8), Linden is silent about exchanging information that associates with security association. On the other hand, Dent teaches this limitation in **column 2, lines 60-67 of Dent, wherein Enhanced security is provided by relaying the security information between the cellular terminal and the base station when the cellular terminal is parked in the base station, to avoid their radio frequency transmission. Exchanged security information can also include authentication signals that bilaterally verify both the identity of the cellular phone to the cellular network and the identity of the network to the phone (emphasis added).**

Applicant further argues that:

Examiner did not specifically address the claim feature: "the security association pointing to the network element from the sender of the location information request."

Examiner respectfully traverses this argument and maintains that:

Figure 1 of Linden clearly shows the handshaking part between client and server wherein requests and responses can contain necessary header information, related, for example, to the content type of the message and to the authentication and authorization of the user (see column 11, lines 59-62), wherein the security association is part of the header information that recites either in requests and responses between client and servers (i.e. network element), in which client can be a sender and server can be a receiver. Thus Linden teaches the limitation " the security association pointing to the network element from the sender of the location information request."

Applicant further argues that:

Applicants do not agree that the requisite basis for the asserted motivation has been established.

Examiner respectfully traverses this argument and maintains that:

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, examiner addresses again herein that the combination of teaching between Linden and Dent teaches the following limitation "exchanging information about a security association with a network element connected to a cellular network, the security association pointing to the network element from the sender of the location information request (see **Figure 1 and column 10, lines 6-8, wherein the information is exchanging between the client 1 and server 3; and column 6, lines 57-66, wherein the information about a security association is stored in the smart card (e.g., SIM card) that uses in mobile phone, such as MS1 and MS2 of Linden).**" Although Linden discloses exchanging information between the client 1 and serve 3 (see **column 10, lines 6-8**), Linden is silent about exchanging information that associates with security association. On the other hand, Dent teaches this limitation in **column 2, lines 60-67 of Dent, wherein Enhanced security is provided by relaying the security information between the cellular terminal and the base station when the cellular terminal is parked in the base station, to avoid their radio frequency transmission. Exchanged security information can also include authentication signals that bilaterally verify both the identity of the cellular phone to the cellular network and the identity of the network to the phone (emphasis added).** Thus, the combination of teaching between Linden and Dent is efficient and proper.

Regarding claims 31 and 32, since the combination of teaching between Linden and Dent teaches the claimed subject matter of claim 27, Examiner believes that the combination of teaching between Linden, Dent and Wang teaches the limitation of claims 31 and 32.

For the above reasons, it is believed that the rejections should be sustained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al (US 6,549,773 B1), and further in view of Dent et al (US 5,812,955).

a. Referring to claim 27:

i. Linden teaches An apparatus, comprising:

(1) at least one processor (**see Figure 1, client 1, MS1 and/or MS2 should include a processor to process communication between them of Linden; furthermore Dent teaches a control processor 154 as shown in Figure 3 of Dent**); and

(2) at least one memory (**column 5, line 31 of Linden**) including computer program code, the at least one memory and the computer program code being configured, with the at least one processor, to cause the apparatus at least to:

(3) receiving, from a mobile station, information relating to a location information request and a sender of the location information request (**see Figure 1, wherein client 1 functions as a mobile station sending a request via**

gateway 2 through server 3 for requesting information related between communication device MS1 and MS2 and column 6, lines 1-15 of Linden); and

(4) exchanging information about a security association with a network element connected to a cellular network, the security association pointing to the network element from the sender of the location information request (**see Figure 1 and column 10, lines 6-8, wherein the information is exchanging between the client 1 and server 3; and column 6, lines 57-66, wherein the information about a security association is stored in the smart card (e.g., SIM card) that uses in mobile phone, such as MS1 and MS2 of Linden).**

ii. Although Linden discloses exchanging information between the client 1 and serve 3 (see column 10, lines 6-8), Linden is silent about exchanging information that associates with security association. On the other hand, Dent teaches this limitation in **column 2, lines 60-67 of Dent.**

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Linden with the teaching of Dent to enhance the wireless network communication system.

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Linden with the teaching of Dent to improve security for use within the area cellular networks.

b. Referring to claim 28:

i. This claim has limitations that is similar to those of part (2) of claim 27, thus it is rejected with the same rationale applied against part (2) of claim 27 above.

5. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al (US 6,549,773 B1), in view of Dent et al (US 5,812,955), and further in view of Wang et al (US 6,415,154 B1).

a. Referring to claim 31-32:

i. Although the combination of teaching between Linden and Dent teaches the claimed subject matter, they are silent on the capability of showing receiver of a positioning system, wherein the receiver is a Global Positioning System receiver. On the other hand, Wang teaches these limitations **in column 2, lines 26-30 of Wang**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the modified-invention of Linden with the teaching of Wang to enhance the wireless network communication system.

iv. The ordinary skilled person would have been motivated to:

(1) have modified the modified-invention of Linden with the teaching of Wang to determine the location of the network element, such as mobile phone.

Allowable Subject Matter

6. Claims 1-26 and 35-36 are allowed.

7. Claims 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached at 571-272-3787. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/
Primary Examiner, Art Unit 2438
October 24, 2010